

### **REMARKS**

The Final Office Action of November 9, 2010, (“the Office Action”) has been carefully reviewed and the remarks that follow are responsive thereto. Claims 1, 8, 12-14, 16, 19, 20, 23-25, 27, 30, 31, 35, 37, 38, 40, 43, 45-48, and 51 have been amended. Claims 36, 39, 49, and 52 have been canceled without prejudice or disclaimer. Claims 4, 6, 7, 10, 11, 15, 17, 18, 21, 22, 26, 28, 29, and 32-34 were previously canceled. No claims have been added. No new matter has been introduced. Claims 1-3, 5, 8, 9, 12-14, 16, 19, 20, 23-25, 27, 30, 31, 35, 37, 38, 40-48, 50, and 51 thus remain pending. Reconsideration and allowance of the instant application are respectfully requested.

#### ***Claim Rejections Under 35 U.S.C. § 112***

Claim 52 stands rejected under 35 U.S.C. § 112, first paragraph, as allegedly failing to comply with the written description requirement.

Without acquiescing to the rejection, and in order to expedite prosecution, Applicants have canceled claim 52 without prejudice or disclaimer, thereby rendering this rejection moot. Applicants thus respectfully request that this rejection be withdrawn.

#### ***Claim Rejections Under 35 U.S.C. § 102***

Claims 1-3, 5, 8, 9, 12-14, 16, 19, 20, 23-25, 27, 30, 31, 36, 37, 39-48, and 50-52 stand rejected under 35 U.S.C. § 102(b) as being allegedly anticipated by U.S. Patent No. 5,485,197 to Hoarty (“Hoarty”). For the reasons set forth below, Applicants respectfully traverse this rejection.

Amended independent claim 1 recites a system, comprising, *inter alia*, “a first unit configured to ... receive, from a user, at least one user preference assigning a 3-D EPG world of the plurality of 3-D EPG worlds to one or more channels of the 3-D EPG, [and] in response to receiving the selection of the channel, modify the layout of the presented virtual world based on the virtual world layout of the 3-D EPG world assigned by the at least one user preference.” Applicants respectfully submit that Hoarty does not disclose such features.

The Office Action asserts, at page 6, that Hoarty discloses “wherein the first unit is further configured to assign a 3-D EPG world of the plurality of 3-D EPG worlds to one or more channels of the 3-D EPG, resulting in an assignment of the 3-D EPG world to the one or more channels (Figs. 33-41), wherein the assignment is customizable (through selection of channels and displays).” In

addition, the Office Action asserts, at page 7, that Hoarty discloses “wherein the assignment is determined based on a user selection (col. 18, l. 63-67 & col. 19, l. 1-27).”

These cited figures and passages of Hoarty, however, generally describe a “carousel menu system” and “different information services” that may include TV listings and classified advertisements. *See, e.g.*, Hoarty at col. 18, lines 49-56. In particular, Hoarty states:

FIGS. 33 and 34 illustrate use of the channel menu system in accordance with a preferred embodiment of the invention. FIGS. 33 and 34 show apparently different channels used for different information services, here TV listings (channel 31) and classified advertisements (channel 37), even though in the manner described previously, the frequency over which the home interface control unit receives information that has not changed. The term “different information service” as used in this description and in the claims following can mean any information service in a mode appearing to be different to the subscriber, including an interactive service in a different information area, or a different interactive service, or a different television broadcast signal provided by the headend, etc.

FIGS. 35-41 illustrate use of the carousel menu system and of the manner in which the invention in a preferred embodiment provides interaction with the user. FIG. 35 illustrates an embodiment of the carousel menu system in accordance with the invention when an interactive information service has been selected. (In this case, the interactive service is classified advertisements.) The carousel here shows three faces, one of which is a frontal face. The frontal face shows one or more menu choices. The two side faces shown are greeked, so as to display the apparent availability of other choices if the carousel is caused to rotate so that one of the side faces is moved to the frontal position. Via operation of the overlay 2733 described in connection with FIGS. 27-29, or the video effects and mixer block 121d of FIGS. 12 and 14, a cursor can be moved over the television display by the remote unit 14, and when the cursor overlays the menu choice of interest, the choice may be selected by pushing the appropriate button on the remote unit 14. Depending on the choice selected (and if subchoices are required by the area of interest in particular interactive information service), the carousel is momentarily shown to be apparently rotated in one direction or another, and thereafter another set of choices is caused to appear on the frontal face, the flanking side faces again being greeked.

FIGS. 36 through 41 illustrate how interactive television service may be provided in accordance with a preferred embodiment of the invention. If TV listings (here channel 31) has been selected, there is displayed a grid portion, which can be shifted on screen for viewing

the grid in the entirety. Shown in FIG. 36 is a portion of the grid display, plotting television programs as a function of channel and time for a given date and portion of the day; and the date and portion of the day can be selected by the subscriber.

Hoarty col. 18, line 49 to col. 19, line 27. While Hoarty thus describes such a “carousel menu system,” Hoarty fails to disclose “a first unit configured to ... receive, from a user, at least one user preference assigning a 3-D EPG world of the plurality of 3-D EPG worlds to one or more channels of the 3-D EPG, [and] in response to receiving the selection of the channel, modify the layout of the presented virtual world based on the virtual world layout of the 3-D EPG world assigned by the at least one user preference,” as recited in amended independent claim 1. Indeed, to the extent that particular screens of Hoarty’s channel menu system are equated with 3-D worlds by the Office Action (*see* Office Action at pages 2-3, asserting that “[e]ach of the two listings [in FIGS. 33 and 34 of Hoarty] is shown in a particular 3-D world” and asserting that “[i]n selecting channel 31, this 3-D world is ‘assigned’ to channel 31”), such screens are not assigned to their respective channels based on at least one user preference received from a user. The recited features of claim 1 discussed above are thus distinguishable over Hoarty.

For at least these reasons, amended independent claim 1 is distinguishable over Hoarty. *See* MPEP § 2131 (“‘A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.’ *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).”). In addition, amended independent claims 12 and 23 recite similar features as claim 1, and thus, claims 12 and 23 are distinguishable over Hoarty for substantially the same reasons as claim 1.

Claims 2, 3, 5, 8, 9, 13, 14, 16, 19, 20, 24, 25, 27, 30, 31, 37, 40-48, 50, and 51 ultimately depend from one of amended independent claims 1, 12, and 23, and therefore are distinguishable over Hoarty by virtue of their dependence and further in view of the various features recited therein.

### ***Claim Rejections Under 35 U.S.C. § 103***

Claims 35, 38, and 49 stand rejected under 35 U.S.C. § 103(a) as being allegedly unpatentable over Hoarty in view of U.S. Patent No. 5,623,613 to Rowe et al. (“Rowe”). For the reasons set forth below, Applicants respectfully traverse this rejection.

Claims 35 and 38 depend from amended independent claims 1 and 12, respectively, and claim 49 has been canceled without prejudice or disclaimer. Because Rowe fails to cure the above-

discussed deficiencies of Hoarty, claims 35 and 38 are distinguishable over Hoarty and Rowe by virtue of their dependence and further in view of the various features recited therein, even assuming, without conceding, that Hoarty and Rowe are properly combinable.

### **CONCLUSION**

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicit prompt notification of the same. However, if for any reason the Examiner believes the application is not in condition for allowance or if there are any questions, the Examiner is invited to contact the undersigned at (202) 824-3161.

Respectfully submitted,  
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